

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
MARCH 10, 2009  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order:** Mayor Wasserman called the meeting to order.
- 1.2 Flag Salute:** Councilmember Wieckowski led the salute to the flag.
- 1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.
- 1.4 Announcements by Mayor/City Manager** – None.

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes for the Work Session and Regular Meeting of February 17, 2009 and the Regular Meeting of February 24, 2009.**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council approved the minutes for the Work Session and Regular Meeting of February 17, 2009 and the Regular Meeting of February 24, 2009.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**\* 2.3 Mayor Wasserman opened consideration of the Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the Construction of the Utility Underground and Service Conversions on Bay Street between Chapel Way and Fremont Boulevard, City Project 8289E (PWC)**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council:

1. Approved the plans and specifications for the Bay Street Utility Underground and Electrical Service Conversions, City Project 8289E (PWC).
2. Accepted the bid and awarded the construction contract for the Bay Street Utility Underground and Electrical Service Conversions, City Project 8289E (PWC), to the lowest responsible bidder, MCH Electric, Inc., in the amount of \$518,282.90 and authorized the City Manager or his designee to execute the contract.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**3. CEREMONIAL ITEMS**

**3.1 Proclamation: Celebrating March 2009 as American Red Cross Month**

**3.2 Resolution: Honoring Gustavo Trejo for Responding to a Water Rescue in the San Francisco Bay**

**3.3 Resolution: Honoring IT Systems Analyst/Programmer Charles Caulfield for 20 Years of Service**

**3.4 Resolution: Honoring Police Sergeant Curtis Codey for 25 Years of Service**

**3.5 Resolution: Honoring Police Lieutenant Clarise Lew for 20 Years of Service**

**4. PUBLIC COMMUNICATIONS**

**4.1 Oral and Written Communications**

Jim Hardwick provided an update on the project located at Cabrillo and Thornton Avenue.

**5. SCHEDULED ITEMS**

**5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Approve a Central Business District Concept Plan Amendment, Preliminary and Precise Planned District, Density Bonus, Preliminary Grading Plan, Vesting Tentative Tract Map 7986, and a Street**

**Abandonment Application for a Portion of California Street for the Development of a 4.1 Acre Site, in the Central Planning Area. The Proposed Project would Allow for the Development of 301 Residential Units, an Approximately 17,000 Square Foot Civic Park, and 1,200 Square Feet of Office/Commercial Space**

Senior Planner Wayne Morris provided an overview of the project. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. Pul Leittieri (Principal, Partnership Landscape Architect), Dan Deibel and Jonathan Hayes (Applicants) highlighted elements of the project. Jitender Makkar expressed support for the project. The applicants responded to questions from Councilmembers. Mayor Wasserman closed the public hearing. Another question and answer period with staff followed. Councilmembers provided comment.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council:

1. Held a public hearing.
2. Adopted the Mitigated Negative Declaration and Mitigation Monitoring Plan as shown in Exhibit "A", and find that this action reflects the independent judgment of the City of Fremont.
3. Found that PLN2009-00009 is in conformance with the relevant goals contained in the Central Business District Concept Plan as enumerated within the staff report.
4. Adopted Resolution No. 2009-9 approving PLN2009-00009 to amend the Central Business District Concept Plan in conformance with Exhibit "C" (CBD Concept Plan Amendment).
5. Waived full reading and introduced an ordinance approving Precise Planned District P-2009-9, as shown on Exhibit "D", and adopting Exhibit "E" (Project Development Plans), together with the findings and conditions contained in Exhibit "1" as the precise Plan for P-2009-9 to include the following modifications: (1) Conditions A14-17 to include working with the applicant to define the units facing the Civic Plaza and the design of Civic Plaza; (2) Conditions L3, L13, L15 & 16 to reflect specifics of landscape planning integration in working with the larger context should the timeline permit, with streetscape and streetscape elements to be approved by Council; (3) CBD Plan Amendment to include a civic park and a street going through; (4) art work to be reviewed by the Art Review Board; and (5) continue to explore the idea of going additionally "green" and explore the notions of 20% BMR when the units convert to condominiums, and universal design where appropriate;
6. Approved Tentative Tract Map 7986, and Preliminary Grading Plan as depicted in Exhibit "E" (Vesting Tentative Tract Map 7986 and Preliminary Grading Plan), based on the findings and subject to the conditions of approval contained in Exhibit "2" and Exhibit "3", respectively.
7. Directed staff to prepare and the City Clerk to publish a summary of the above ordinance outlined in recommendation No. 5.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**5.2 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a General Vacation to Abandon a Portion of California Street Located Between Beacon Avenue and Walnut Avenue in the Central Planning Area (PLN2009-00009) and if Approved to Authorize Conveyance of the Vacated Portion of the Street to the Urban Housing Group**

Mayor Wasserman opened the public hearing. There being no speakers, Mayor Wasserman closed the public hearing.

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing.
2. Found that the proposed General Vacation (PLN2009-00009), as depicted and described on Exhibit "A" is in conformance with the General Plan, for the reasons stated in the body of the report.
3. Found that PLN2009-00009, as depicted and described on Exhibit "A," fulfills the applicable criteria set forth in Section 8324 of the Streets and Highways Codes in that the portion of California Street to be vacated is not now, nor will it in the future, be required for public street purposes.
4. The General Vacation shall conform to Exhibit "A," all conditions set forth herein, and all the conditions of approval of Planned District P-2009-9.
5. Adopted Resolution No. 2009-10 rescinding prior Council resolution 2007-02 and conditionally vacating the portion of California Street as described and depicted in Exhibit "A." The vacation is conditional and shall not be recorded and shall not be effective until all of the following have occurred:
  - A. The Urban Housing Group's Walnut Avenue Project Final Tract Map 7986, including the dedication to the City of an approximately 1000 square foot parcel of land along Beacon Avenue, is approved by the City Council and is ready to be recorded.
  - B. The Developer has executed and delivered to the City an irrevocable offer of dedication in fee for the Civic Park an approximately 17,600 square foot parcel of land between Beacon Avenue and Walnut Avenue for park and emergency vehicle access purposes.
  - C. The Developer has executed and delivered an agreement satisfactory to the City Attorney to provide maintenance for the Civic Park during the time that the project is a rental project and to provide a cash contribution in the amount of \$1,500,000, plus consumer price index adjustments, to be used for maintenance and capital replacement purposes when the project becomes a for sale project.
  - D. The Developer has executed and delivered to City, at no cost to City, an easement granting the City a temporary roadway and utility easement to allow the public and public utility agencies the right to use and to maintain the roadway, sidewalk and utilities existing in the vacated portion of California Street until such time as the Developer removes and reconstructs the road, sidewalk and utilities as permitted by the City and other public agencies or utilities.
6. Found that the vacated area is not needed by the public and authorized the City Manager or designee to execute a deed conveying the vacated portion of California Street as shown on Exhibit "A" to Urban Housing Group after the conditions to the street vacation have been satisfied.

7. Directed that the resolution vacating a portion of California Street, the Urban Housing Group Walnut Avenue Project Final Tract Map 7986, the deed conveying title to the vacated portion of the California Street right-of-way to the Developer, the irrevocable offer of dedication of the area designated as Civic Park for park and emergency vehicle access purposes, and the temporary easement allowing public use of the vacated California Street shall be deposited into an informal escrow with the City and shall be recorded together in the following order:
- a. Resolution vacating a Portion of California Street
  - b. Deed conveying the vacated portion of California Street to the Urban Housing Group
  - c. Final Map for the Urban Housing Group Walnut Avenue Project Tract 7986
  - d. Irrevocable Offer of Dedication from Developer to City of the area designated as Civic Park for park and emergency vehicle access purposes
  - e. Temporary Easement from the Urban Housing Group to the City for public use of the vacated portion of California Street.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

## **6. REPORT FROM CITY ATTORNEY**

### **6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

## **7. OTHER BUSINESS**

### **7.1 Mayor Wasserman opened consideration of the Addition of Enhanced Landscaping for the Washington Boulevard/Paseo Padre Parkway Grade Separation Project at a Cost of \$1,171,245**

Transportation & Operations Director Jim Pierson provided an overview of the base versus enhanced landscape concept alternative features. Staff responded to questions from Councilmembers. There were no speakers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council directed staff to continue to install the Base Landscaping included in the current construction contract for the Washington Boulevard/Paseo Padre Parkway Grade Separation Project and not issue a contract change order to add Enhanced Landscaping.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None

Abstain: None

## **7.2 Mayor Wasserman opened consideration of an Uncodified Ordinance of the City of Fremont Authorizing Extensions to Existing Building Permit Applications and Building Permits**

Community Development Deputy Director Paul Kermoyan reviewed the proposed procedures that would allow unexpired buildings permits and unexpired applicants for building permits to be extended. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. Jitender Makkar expressed support for the proposed ordinance and requested a two-year extension. Ravi Parmar expressed support for the proposed ordinance. There were no other speakers. Mayor Wasserman closed the public hearing.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held a public hearing.
2. Found the project exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15061 (B) (3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
3. Waived full reading and introduced the uncodified ordinance.
4. Adopted a motion directing the City Attorney to prepare a summary of the ordinance and the City Clerk to post and publish the summary in accordance with Government Code Section 36933 (C)(1).
5. Directed the Clerk to publish notice of a public hearing to consider adoption of the ordinance in accordance with Government Code Section 6066 and 50022.3.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals – None.**

### **8.2 Oral Reports on Meetings and Events – None.**

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:45 p.m. in memory of former Councilmember Art Lampert.

Attest:

Approved:

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Dawn G. Abrahamson, City Clerk

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BOB WASSERMAN, Mayor